

REMARKS

I. Drawings

Applicants herewith submit formal drawings Figures 1 – 5.

Applicant's substitution of the enclosed Figures 1 – 5 for those originally submitted should overcome the Examiner's objections.

II. Substitute Abstract

Applicants request substitution of the enclosed Abstract for the one originally submitted.

A mark-up showing the requested changes are shown above, along with a copy of the abstract as amended, for the Examiner's convenience.

III. Rejection of Claim 5 under 35 USC §112, first paragraph

Deposit Under the Budapest Treaty

The biological material identified by accession number FERM BP-6328 (page 21 of the specification) has been deposited with an International Depository Authority under the terms of the Budapest Treaty for the deposit of biological materials for patent purposes.

A copy of the Original Japanese language depository receipt, and an English language translation are enclosed.

The Specification has been amended above to clarify the deposit and to provide the address of the depository.

This rejection should be withdrawn.

IV. Rejection under 35 USC §102(b)

Applicants have amended claim 1 above to limit the cell line of the invention such that the claimed cell line is expressing at least three endogenous cytochrome P450 CYP genes.

A) The cited Fukaya et al. reference only teaches a cell expressing the single CYP2E1 gene alone (page 294, table 2). Thus Fukaya et al. do not anticipate an immortalized cell line expressing three cytochrome P450 CYP genes.

Since the asserted art fails to teach the claimed invention, this rejection should be withdrawn.

B) The cited Pfeifer et al. reference teach the expression of CYP1A1 mRNA (page 5125) alone, and the specific failure to detect expression of CYP1A2, IIA3, IIE1, IID6, or IIIA4 mRNA (page 5126). Thus, Pfeifer et al. fail to anticipate an immortalized cell line expressing three cytochrome P450 CYP genes.

Since the asserted art fails to teach the claimed invention, this rejection should be withdrawn.

C) The cited Harris et al. reference teach the expression of single exogenous CYP1A2, 2A6, 3A4, 2E1 and 2D6 genes individually in their respective cells. Thus, Harris et al. fail to anticipate an immortalized cell line expressing three endogenous cytochrome P450 CYP genes.

Applicants acknowledge that cited US Patent 5,660,986 and US Patent 5,665,589 are cumulative as to US Patent 5,506,131 (Harris et al.).

Since the asserted art fails to teach the claimed invention, this rejection should be withdrawn.

V. Provisional Obviousness-type Double Patenting Rejection

Applicants request that the allowable claims issue and that any double-patenting issues be addressed, if necessary, in the subsequently allowed claims for any co-pending patent applications.

This rejection should be withdrawn in the present case, and raised, if needed, in regard to any subsequently prosecuted claims.

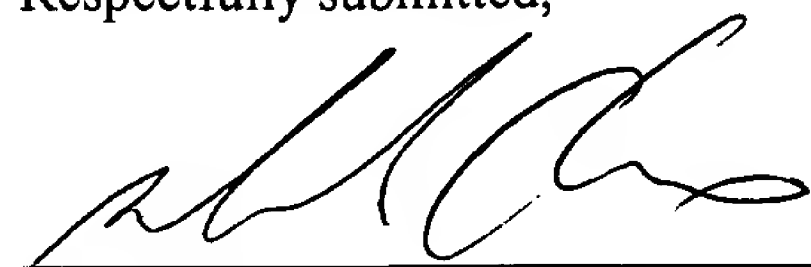
VI. Conclusion

Reconsideration of the claims as amended in view of the traverse made above is solicited. Early allowance of the claims is requested. Should the Examiner believe that a conference with applicants' attorney would advance prosecution of this application, he is respectfully invited to call applicants' attorney.

Respectfully submitted,

Dated: October 28, 2003

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